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December 19, 2007

By Hand

The Honorable Richard J. Holwell
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007

Re: *Fox News Network, L.L.C. v. EchoStar Satellite L.L.C.*, Index No. 07-CV-11314
(RJH) (FM)

Dear Judge Holwell:

We represent plaintiff, Fox News Network, L.L.C. (“Fox News”), in the referenced action and write to request that the Court permit Fox News to file under seal the complaint in this action.

On Monday, December 17, 2007, Fox News filed the complaint in this action alleging that defendant, EchoStar Satellite L.L.C. (“EchoStar”), breached a 1998 agreement between the parties (the “Agreement”). A copy of the Agreement was attached as Exhibit 1 to the complaint. Yesterday, Fox News served EchoStar with a copy of the summons and complaint. Shortly after service was completed, Kevin P. Cross, Esq., in-house counsel at EchoStar, called our firm to claim that Fox News had breached the confidentiality provision of the Agreement by filing the Agreement as an exhibit to the complaint and to request that Fox News seek to have the Agreement withdrawn from the public record. Because the confidentiality provision permits either party to disclose the Agreement to pursue its rights under the Agreement, Fox News denies that filing the Agreement as an exhibit to the complaint is a breach of the confidentiality provision. Nevertheless, Fox News has agreed to submit this request to avoid a dispute with EchoStar over the propriety of filing the Agreement as an exhibit to the complaint.

Accordingly, Fox News requests that the Court file under seal the complaint with exhibit submitted on December 17, 2007, and place in the public record the enclosed copy of

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The Honorable Richard J. Holwell December 19, 2007 Page 2

the complaint with a redacted version of Exhibit 1 (the Agreement). (At the suggestion of one of the Court's docketing clerks, for the Court's convenience, a CD-ROM containing a copy of the complaint with a redacted version of Exhibit 1 in PDF format also is enclosed.)

Thank you for your attention to this matter. Please feel free to call me at the above number if you have any questions regarding this letter or its contents.

Respectfully submitted,

Clifford Thau
Clifford Thau

Enclosures

cc: The Honorable Frank Maas, United States Magistrate Judge
The Honorable J. Michael McMahon, Clerk of Court
Kevin P. Cross, Esq. (via email)

Application Granted.
The Complaint with Exhibit 1
filed on December 17, 2007
shall be placed under
seal. A Complaint with
Exhibit 1 redacted shall
be filed with the
Clerk's office.

SORRERED
R. J. Holwell
U.S. WT
1/21/08